



Onyx Dkt No. ONYX1047.DIV

USSN: 10/669,768

PATENT

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19 Sept 2006

Date

Gary R Fabian

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Shen, Y., et al.	Confirmation No. 8135
Serial No.: 10/669,768	Art Unit: 1633
Filing Date: 24 September 2003	Examiner: M. Marvich
Title: ADENOVIRUS E1B-55K SINGLE AMINO ACID MUTANTS AND METHODS OF USE	

PETITION TO ACCEPT COLOR DRAWINGS (PHOTOGRAPHS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for entry of a color photograph (Figure 3) in the above-referenced application as the color photographs making up Figure 3 are the only practical medium for illustrating the indirect immunofluorescent staining of adenovirus- and mock-infected cells shown in Figure 3. Further, the Examiner has required a corrected drawing of Figure 3 in the Office action, dated 19 June 2006, stating "figure 3 is a photograph of immunoflourescent cells. However, the details are indiscernible as the image is too dark."

In accordance with 37 CFR §1.84, accompanying this petition are the following:

- (i) The fee (\$130.00) set forth in §1.17(h);
- (ii) Three (3) sets of color drawings; and
- (iii) An amendment to the specification, in the accompanying Response and Amendment, to insert the following language as the first paragraph of the brief

description of the drawings: "The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Also accompanying this petition is a black and white copy of the color Figure 3 to demonstrate that the color drawing is of sufficient quality such that details in the drawings are reproducible in black and white for the printed patent. The black and white copy is stamped "COPY" in blue.

The Commissioner is hereby authorized to charge \$130.00 to Deposit Account No. 15-0615 (please reference **ONYX 1047.DIV**). No additional fee is believed due; however, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the Issue Fee, to Deposit Account No. 15-0615.

Respectfully submitted,

Dated: 19 Sept 2006

By :

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